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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,067	02/18/2005	Toru Fujiki	2185-0748PUS1	5822
2292 7590 09/13/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SELLERS, ROBERT E	
			ART UNIT 1712	PAPER NUMBER
			NOTIFICATION DATE 09/13/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<p align="center">Office Action Summary</p>	Application No. 10/525,067	Applicant(s) FUJIKI ET AL.	
	Examiner Robert Sellers	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>18 February 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. The term "obtainable" use to characterize the preparation of the adhesive film, epoxy group-containing copolymer (A) and anhydride group-containing copolymer (B) in claims 1, 4 and 11 is unclear since it cannot be ascertained whether the components are exclusively derived from the ensuing claimed materials or are open to the use of ingredients other than those set forth thereafter. More favorable consideration would be given to the amendment of "obtainable" to "obtained."

2. Sakurai et al. Patent No. 5,932,339 and equivalent Japanese Patent Nos. 10-273540 (Japanese '540) and 11-80682 (Japanese '682) designated as X references in the International Search Report and cited in the Information Disclosure Statement filed February 18, 2005 disclose copolymers of ethylene, vinyl acetate or (meth)acrylate, and maleic anhydride with an epoxy group-containing adhesion promoter (Sakurai et al., col. 4, lines 33-43, Japanese '540, page 5, paragraph 27 and Japanese '682, page 4, paragraph 26) such as glycidyl methacrylate (Sakurai et al. and the Japanese patents, Example 1).

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The claimed epoxy group-containing copolymer (A) derived from ethylene and/or propylene and a monomer of formula (1) including glycidyl methacrylate is not recited since the glycidyl methacrylate is present as a monomer without polymerizing with ethylene and/or propylene.

3. Japanese Patent No. 225778 also cited in the search report and information disclosure statement describes a styrene-grafted non-polar and polar polyolefin wherein the polar polyolefin includes copolymers of ethylene and maleic anhydride, copolymers of ethylene and glycidyl methacrylate and their mixtures (pages 2-3, paragraph 13). Such copolymers are listed among numerous other polar polyolefins and the blend of copolymers of ethylene and maleic anhydride with copolymers of ethylene and glycidyl methacrylate are not exemplified. The reference is less pertinent to the claims than the more specific prior art applied hereinbelow.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No. 63-222838 (Japanese '838).

4. Japanese '838 (HCAPLUS abstract) shows an adhesion layer laminated onto a fluoropolymer sheet wherein the adhesive layer is prepared by extruding a blend of 50% by weight of ethylene-ethyl acrylate-maleic anhydride terpolymer and 50% by weight of ethylene-glycidyl methacrylate-vinyl acetate copolymer.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujii et al. Patent No. 5,322,894.

5. Fujii et al. (col. 2, lines 1-23) reports 100 parts by weight of modified polypropylene (A) such as maleic anhydride-modified polypropylene (col. 22, lines 42-46), from 0.1 to 300 parts by weight of epoxy group-containing copolymer (E) such as an ethylene/methyl methacrylate/glycidyl methacrylate copolymer (col. 22, lines 57-64) which can be preliminarily melt-kneaded (col. 16, lines 3-5) and an antioxidant (col. 16, line 54) which is extrusion molded (col. 19, lines 32-33) into a film (col. 1, line 8). The maximum ratio of glycidyl methacrylate copolymer to maleic anhydride-modified polypropylene adjusted to 100 parts by weight of glycidyl methacrylate copolymer is 100:33.3.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawate et al. Patent No. 6,051,652.

6. Kawate et al. (col. 8, lines 31-41) shows the coating of an adhesive composition onto a PET film and irradiating it with UV light for solidification wherein the composition contains a glycidyl methacrylate-ethylene copolymer A (col. 11, lines 2-6, BOND FAST CG 5001, the same copolymer as employed in the instant examples according to page 31, lines 8-10 of the specification) and an ethylene-ethyl acrylate-maleic anhydride tackifier (col. 11, lines 22-25, Component D5). Irradiation with electron beam is also suitable according to column 7, lines 29-30. An antioxidant can be included as set forth in column 6, line 58.

7. Although the combination of glycidyl methacrylate-ethylene copolymer A and ethylene-ethyl acrylate-maleic anhydride tackifier D5 is not in Table 1 (col. 10), it would have been obvious employ tackifier D5 with copolymer A for the same purpose as the mixture of copolymer A with the other tackifiers designated as D, D2, D3 and D4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

rs 9/7/2007



ROBERT E.L. SELLERS
PRIMARY EXAMINER